

DAVID GRAHAM PHILLIPS SHOT DOWN BY SOCIALIST ASSASSIN



DAVID GRAHAM PHILLIPS.

FIGHTS AND SHRIEKS BEFORE COLLAPSING

ATTACKS RIGHT OF STATE TO SUE

Hogg Declares That Virginia
Cannot Ask Contribution From
West Virginia.

Washington, January 23.—The first word of defense for the State of West Virginia, in the suit brought by the Commonwealth of Virginia in the Supreme Court of the United States to require the former State to pay one-third of the Virginia public debt, was said to-day before that court by Charles E. Hogg, of Morgantown, W. Va. He followed Major Holmes Conrad, who spoke in favor of West Virginia's being required to bear that proportion of the debt. Arguments will continue to-morrow.

After making denial of many of the claims of Virginia, Mr. Hogg attacked the right of Virginia to sue West Virginia for one-third of the \$32,000,000. He said that Virginia had been released from all liability for this third of the debt by a refunding agreement between the State and its creditors. Furthermore, Virginia, he argued, according to its own claim, was responsible for two-thirds of the debt, and as it had paid only that proportion, it could not bring a suit to require contribution to it from West Virginia. Any liability that West Virginia might have under, he said, was not to the Commonwealth of Virginia, but direct to the certificate holders.

MORGAN ON RECORD TRIP

Special Train Makes New York-Washington Run in 3 Hours 56 Minutes. Philadelphia, Pa., January 23.—That is believed to be the fastest railroad trip ever made between Washington and New York occurred to-day, when J. Pierpont Morgan, the financier, was whirled from one city to the other on the Pennsylvania Railroad in the unparalleled time of three hours and fifty-six minutes. All the way the special train on which Mr. Morgan made the trip averaged more than a mile a minute. The distance between the two cities is 224.7 miles, and express trains make it in five hours.

Mr. Morgan's train, composed of a locomotive, a tender, one steel coach and a private car, left Washington at 11:12 o'clock this morning. A fifteen-minute stop was made at the West Philadelphia station, where engines were changed, and the train arrived in New York at 3:08 o'clock this afternoon.

The special train, it is said, was ordered in a hurry, and the purchase of Mr. Morgan's trip was not made known to the railroad officials.

JURY SPRINGS SENSATION

Indicts Politicians, Councilmen and Business Men. Camden, N. J., January 23.—A police captain, a member of City Council, several policemen and business men, were among those indicted here to-day by the grand jury, charged with committing frauds at the November election in this city. Officers of a fraternal society and of a Republican club were also indicted, the former for keeping a disorderly place and the latter for permitting a immoral performance to be given in their headquarters. The action of the grand jury has created a sensation.

The grand jury made its presentation to Supreme Court Justice Garrison and County Judge Joline, and warrants for those named in the indictments were immediately issued. The first warrant to be served was against Daniel Pick, a policeman, who was held in \$5,000 bail on the charge of false registering and perjury.

Six Bullets, Fired by
Harvard Man, Find
Their Mark.

FANCIED GRUDGE AGAINST AUTHOR

Fitzhugh Goldsborough Gives
Victim No Chance for Defense.
Believing Him Dead, He
Sends Bullet Into His
Own Brain—Phillips
May Recover.

New York, January 23.—David Graham Phillips, editor, publicist and novelist, was shot six times to-day as he approached the Harmon Club by Fitzhugh Goldsborough, a Harvard man, who immediately after committed suicide.

To-night Phillips is at Bellevue Hospital in an extremely critical condition, but, as relatives hopefully express it "with a chance for life."

The body of Goldsborough, whose career at Harvard was brief, lies in the morgue. Apparently insane, he had a fancied grudge against the author, and sought his life. He was only thirty-one years old; Phillips is forty-three.

"There you go," snapped the assassin, as he opened fire, and "here I go," he echoed, as he sent a bullet into his own brain. He used a ten-shot 32-calibre automatic pistol, and all six shots aimed at Phillips took effect. One of them perforated the abdomen; another pierced the right lung and came out at the back; a third shot entered the left wrist and a fourth drilled the right thigh. Two of them dropped from the wounded man's clothing as he was being undressed at the hospital.

Bears Shock Well. The most dangerous wound is thought to be that through the lung Septicemia or pneumonia are the two secondary effects most feared. The robust constitution of the patient bore him through the loss of blood, and shock surprisingly well, and his first request to his physicians was that no alarming reports be given out.

"My mother," he said, "is an old lady, and the shock might kill her. I'm young and strong; I may get well. Make the best of it, and I'll try to bear you out."

The six shots broke the quiet of one of the most aristocratic neighborhoods of old-fashioned New York. The Princeton Club, formerly the home of the late Stanford White, fronts on Grammercy Park, and at 2 o'clock of a bright afternoon, Phillips, who lived near by at the National Arts Club, was sauntering through the sunshine for an hour with his friends. A policeman stood not 50 yards away. Two foot passengers had just passed the club as Phillips was seen approaching it.

Nobody saw anything to attract attention in the well-dressed Goldsborough, who was walking in the opposite direction from Phillips. The assassin fired from his pocket, and the other grasped for support. Satisfied that he had been successful, the assassin fired the seventh shot into his own brain and toppled over before anybody could reach him. For hours his body lay in the bright sunshine, with one arm stretched out and the other bent at a right angle.

The policeman and two bystanders came up on the run. At the same moment three members of the club—Newton James, Frank Davis and Frederick Evans—rushed down the steps and carried Phillips into the house.

"Graham, what's happened?" asked Evans. Phillips was conscious and suffering intensely. "He shot me in the bowels," he answered. "Don't bother with him. For God's sake get a doctor."

Assassin Identified. It was some time before an ambulance arrived, and in the meantime the club members were trying to identify the man who had fired the shots. In the pockets were found his name and the address, 1331 K Street, Washington, D. C. He carried \$24.79 in cash, a membership card in the American Federation of Musicians, and two manuscripts of his plays, one entitled "The Conquest of the Climate," and the other "For Conscience Sake."

The body was well dressed and well nourished. Goldsborough wore silk socks and had been freshly shaved.

William E. McCormick, secretary of the Princeton Club, recognized the man as Fitzhugh Goldsborough, of an old and respected Maryland family, he said. Word from Washington confirmed the identification. Mr. McCormick said Goldsborough had entered Harvard with the class of 1901, but left at the end of his freshman year.

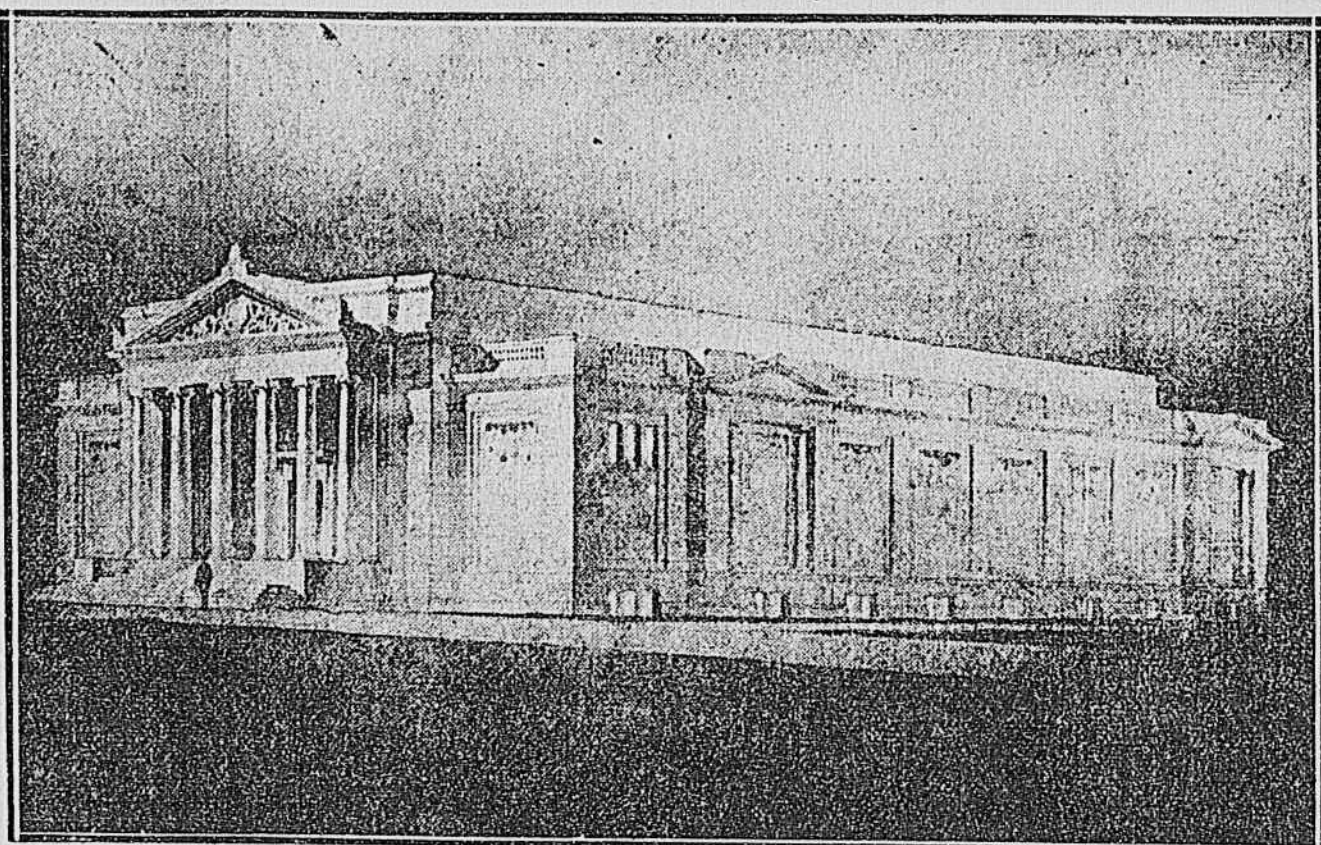
After the arrival of the coroner the body was taken to a police station, where it was further identified by Algonson Lee, secretary of the Rand School of Social Science, where Goldsborough lived. Lee said that Goldsborough came here last November and took rooms at the school. He was not a student and mingled little with the life of the institution.

"I am surprised," said Lee, "that Goldsborough should have attempted the life of Mr. Phillips, who lived near us, sometimes came to see us, and took a friendly interest in us. We know little of Goldsborough or his antecedents. He came to us as a Socialist, and said he would like to live with us. He was a violinist and gave lessons. I am told that he had been writing begging letters to Mr. Phillips. We know nothing of that."

Had Bothered Phillips. Harrison W. Phillips, David Graham's younger brother, said that Goldsborough had been bothering David with letters and telephone calls to the Princeton Club for a month or six weeks.

(Continued on Second Page.)

CONFEDERATE MEMORIAL INSTITUTE



DEFENSE LOSES ITS TRUMP CARD

Testimony of Mrs. Hedges, Its
Star Witness, Is Ruled
Out.

STATE SCORES HEAVILY

All Its Instructions Accepted,
While Schenk Counsel Lose
Nineteen.

Wheeling, W. Va., January 23.—The end of the trial of Laura Farnsworth Schenk, on a charge of administering lead poison and arsenic to her husband, John O. Schenk, is now in sight, arguments having been begun this afternoon at 3:15, and it is expected that the case of the accused will be in the hands of the jury not later than Wednesday noon.

Apparently the greatest blow yet sustained by the defense was struck to-day, when, on motion of Prosecuting Attorney Handian, the evidence of Mrs. Jane Hedges was ruled out. It was this witness who told on the stand that Albert Schenk had said he would "leave no stone unturned to rid the family of John O. Schenk's wife." The defense played its trump card in Mrs. Hedges, relying upon her evidence to prove its contention that members of the Schenk family had conspired against the woman who is fighting for her liberty.

The evidence given by Mrs. Hedges was ruled out on the ground that it was not material to the case, and that it was suggested by a conspiracy against the woman who is fighting for her liberty.

The State, immediately after the exclusion of Mrs. Hedges' testimony, announced that it would rest its case, taking counsel for defense and every one else by surprise, as it had been anticipated that a number of witnesses would be put on in rebuttal.

State Scores Again. The State apparently scored again when instructions to the jury were offered. The State offered ten instructions, all of which were given. The defense offered thirty-four, nineteen of which were struck out.

The instructions submitted by the defense were of usual form, and while the defense objected to most of them, the objections were of a technical nature, and all were overruled.

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In opening the arguments for the defense, Mr. Maury bitterly arraigned Mrs. Schenk as an unfaithful wife. Mrs. Schenk put the poison in her husband's medicine, or if it is shown that she did not do the work herself. This was rejected, as the State claimed such instructions would prevent any circumstantial evidence being taken into consideration. The instructions in relation to the character of witnesses was overruled on the claim that the unreliability of the witnesses in question had not been shown.

SITUATION CALMER
Rioting Is Checked by Presence of
2,000 Chinese Troops.

Hankow, China, January 23.—Rioting, which was precipitated by the circulation of a report that the British police had killed a coolie, resulted, it was officially stated here to-day, in the killing of thirteen others. No foreigners were injured. The fighting was between the Chinese and the authorities, supported by British and German warships, who were landed from gunboats in the harbor to defend the foreign community.

This afternoon the situation quieted down under the influence of the presence of 2,000 Chinese troops, which had been brought into the city to protect foreigners and British and German sailors, with local volunteers, who remained under arms prepared to resist any movement of the rioters.

All of the foreign representatives here, including the United States consul-general, have asked their governments for protection.

BROWN'S BRONCHIAL TROCHES.
Convenient, effective, safe, for coughs.

SENATORS COMING BACK FROM EXILE

Republicans Have Reached
Agreement With Their Demo-
cratic Colleagues.

CONCESSIONS ARE MADE

They Get Presidency of Senate
and Will Permit That Body
to Organize.

Cincinnati, O., January 23.—"We have been conceding everything we have been demanding, and we are going back to Charleston," was the announcement of State Senator Merideth, one of the fifteen West Virginia State Senators, who have been here for a week past just before leaving for Charleston to-night.

Senator Merideth said that while the articles of agreement had not "been sealed, signed and delivered," he had been assured that an agreement had been reached by which the Democrats would concede to the Republicans the presidency of the Senate and a dismissal of contests that are pending against two Republican members of that body.

The West Virginia Senators will enter into a conference with Governor Glascock and other Republican leaders immediately upon arrival in Charleston.

Arbitration Invoked. Charleston, W. Va., January 23.—Assured that no attempt would be made to enforce warrants of arrest for non-attendance upon the sessions of the State Senate, fifteen Republican members of that body will return to-morrow.

All matters in dispute between the fifteen Democratic Senators and the equal number of Republican Senators are to be referred to an arbitration committee, according to the announcement of Governor Glascock, made here to-night following a conference between the Governor, W. E. Chilton, Democratic caucus nominee for the seat of Senator Scott, and former Governor W. A. McCorkle, the latter a Democratic member of the State Senate.

By agreeing to arbitration, it is believed that the Democrats will rescind their action by which Senator Hearne, Republican, was declared unseated, and this and other contested election cases will take their regular course before the Senate.

Notwithstanding that the Republican Senators will arrive here early to-morrow, it is understood that they will not participate in the voting in separate sessions upon the United States senatorships to-morrow. The understanding in political circles here is that they will not participate in the proceedings until the arbitration committee reaches an agreement upon all points.

FEAR SHIP HAS SUNK

Pacific Wireless Men Can't Learn Fate
of the Chicago, with Forty Aboard.

Seattle, Wash., January 23.—Wireless stations along the coast of Washington and of British Columbia have been unable to get any information concerning the fate of the fishing steamer Chicago, with forty men aboard, which sent out distress calls for more than an hour.

The operator on the Chicago failed to give Dr. Winslow a hint of its whereabouts is unknown, but she was supposed to be off the west coast of Vancouver Island.

The fact that the Chicago's distress calls gradually grew fainter and then failed entirely is said by wireless men to indicate that water had reached the engine room and cut off the power.

SEES AFTER FOUR YEARS

Remarkable Recovery From Blindness
of Dr. W. Copley Winslow.

Boston, Mass., January 23.—For the first time in four years Dr. William Copley Winslow, the noted ophthalmologist, historical writer and former Episcopal minister, is able to see and recognize the faces of relatives and friends, and is able to resume his studies. He has been cured of blindness by means of a glass lens, but without it he is sightless.

Were Dr. Winslow a young and active man the cure would not have been so remarkable, but he is over seventy-one years old. He looked out upon the Charles River to-day, pointing out objects of interest, read the writing on signs, and counted the foot passengers who crossed the bridge to Cambridge.

NOMINATION MAY NOT BE CONFIRMED

Members of Judiciary Committee
Oppose Hunt's Promotion to
Commerce Court.

HIS INTEGRITY IMPUGNED

Some Express Opinion That
President Taft Should With-
draw Nomination.

Washington, D. C., January 23.—Nearly half of the members of the Senate Judiciary Committee are said to have taken positions against the confirmation of Judge William H. Hunt now serving as a member of the Court of Customs Appeals, and promoted to a circuit judgeship for assignment to the new Commerce Court. When his case was called up in the committee to-day, in consequence of the opposition, his friends did not press the case, although all of the others appointed to circuit judgeships for service on the new court were ordered reported favorably.

The judges acted upon were Robert W. Archbald, of Pennsylvania; John E. Carroll, of South Dakota, and Julian W. Mack, of Illinois. Judge Martin A. Knapp, former chairman of the Interstate Commerce Commission, was confirmed before the holiday recess, for presiding judge. Inasmuch as there were four members of the court against whom there were no contests, it is expected these will organize the new court as soon as those reported to-day are confirmed.

Landowners Complain. Soon after the appointment of Judge Hunt was sent to the Senate, charges were filed against him by Montana landowners, who alleged that while serving on the Federal district bench there he had aided smelting interests by delaying court proceedings brought by landowners who complained that their property was being injured by fumes from the Anaconda smelter. The effect of the charge was to cast reflections upon Judge Hunt's integrity by seeking to show that he had been subservient to corporation influences.

A subcommittee took up the charges against Judge Hunt and made an investigation, who brought in two reports to the full committee, the majority being in favor of his confirmation. When the full committee considered the case to-day, the Democrats refused to have opposed confirmation unanimously. They were joined by some of the Republicans, and although no vote was taken the meeting did not augur for confirmation at this session.

Some of the Senators went so far as to express the opinion that the President should withdraw the nomination.

No appointment has been made to the customs court to succeed Judge Hunt, and it is the belief at the Capitol that if he is not confirmed for the Commerce Court he will retain his present position.

DELIRIOUS WOMAN DROWNED

Scraps of Bathrobe Point Searchers
to the River.

Hartford, Conn., January 23.—Scraps of her husband's red bath robe she had flung over her nightdress told the route taken by delirious Mrs. Alfred L. Mills, of Thompsonville, who escaped from her nurse soon after midnight, and strands of her hair frozen into the ice of the Connecticut River directed searchers this afternoon to the place in the stream where they found the woman's body.

Mrs. Mills was thirty-two years old, and for several weeks had been ill diagnosed. They warned her family precautions were necessary to prevent attempts at suicide, but in the few moments the nurse dozed Mrs. Mills escaped. Her husband and the nurse could find no trace of her. Not until daylight, when the bits of the bathrobe were found caught on barbed wire fences through which the woman crawled on her way toward the river was the direction she had taken disclosed.

GERMAN SOCIALISTS PROTEST

Hundreds of Meetings to Denounce
Inaction on Franchise Reform.

Berlin, January 23.—Many hundreds of Socialist meetings were held throughout Prussia and resolutions of protest were adopted against the failure of the speaker from the throne in the Landtag to mention franchise reform.

Seventy-three meetings were held in Berlin alone.

DESIGN SELECTED FOR MEMORIAL TO LOST CAUSE

Contract for Construc-
tion Goes to Phila-
delphia Architect.

STRUCTURE TO BE OF DORIC DESIGN

Committee Indorses Selections of
Prize-Winners Made by
Jury of Award—Many Archi-
tects Submitted Plans for
Confederate Memorial
Institute.

Final selection of a design for the Confederate Memorial Institute, which on a commanding site in the capital city of the Confederacy, will perpetuate forever the memories of the deeds of the soldiers of the South, was made yesterday by the executive committee of the Confederate Memorial Association. The result is an award to the architect of a massive museum structure, of graceful and yet solid outlines, of Doric effect, and one which it is confidently believed will meet with the unanimous approval of the veterans and the public.

Bissell & Sinker, of Philadelphia, is the successful architectural firm, winning the first prize, which is the contract for the design and the supervision of the construction. The second prize of \$400 goes to Hewitt & Brown, of Minneapolis, while the other prizes, of \$200 each, are awarded to Campbell & Adams, of Washington; White & White, of New York, and Dennison & Hiron, of New York.

The executive committee is composed of General Robert White, of Wheeling, W. Va., chairman; Lieutenant Governor J. Taylor Elyson, president of the association; Judge George L. Christian, Colonel Thomas Kenan, of Raleigh, N. C., and Colonel J. M. Hickey, of Washington, D. C. The meeting was held yesterday in the office of Lieutenant Governor Elyson.

Mr. Elyson reported to the committee, on behalf of the jury of award, which recently inspected the sixty designs submitted by as many architects. This jury was composed of Mr. Elyson, W. C. Noland, the professional adviser, and James Knox Taylor, supervising architect of the United States Treasury Department.

After careful consideration the executive committee unanimously adopted the report of the jury and made its awards in accordance with its recommendations.

Up to this time the number of the executive committee or of the jury of award knew the identity of the author of any of the designs. After action by the committee, a request was made of Mayor D. C. Davidson for the names and addresses of the architects, which have been all the time in his possession. Upon identifying the marks made by the Mayor, it was found that the architects indicated above were the prize winners.

Every member of the committee was much pleased with the work of the jury of award, and was confident that the selection would be satisfactory to everybody.

After adjournment the committee adopted a resolution requesting R. E. Lee Camp, No. 1, United Confederate Veterans, to allow its collection of portraits of Confederate leaders, now hanging in its hall, to be placed in the building, as such during the future as suits the pleasure of Lee Camp. The veterans accede to this request, they will have an opportunity to confer with the executive committee as to a place for the portraits before construction is begun, and in this way any modification of the plans which may be found desirable to accommodate the collection may be made.

Add Hall for Camp. Besides, if Lee Camp so desires, arrangements will be made in the building for a permanent meeting place for the organization.

The next step will be the closing of the contract with the successful architect. A member of the firm of Bissell & Sinker, who is to be in Richmond and will confer with the executive committee as to details before proceeding with the preparation of the working drawings. The firm is to be paid \$750 at once, and when it completes its revision of the design it is to get an additional sum of \$750, both of which amounts are to finally merge into the total fee.

The Confederate Memorial Institute, more commonly known wrongly called the Lee Monument, is to be a repository and exhibition building for Confederate relics, paintings and sculpture, with records and all procurable data relating to the Confederate States. It is to be on the order of a museum and art gallery combined, and is intended to be the final place of custody for collections of Confederate relics and data, and to serve, as to both interior and exterior, as a memorial building for the placing, from time to time, of commemorative tablets and statues.

Will Be Fireproof. Carrying out to the full the tentative plans of the committee, the design of Bissell & Sinker is of a dignified, monumental character. The construction is to be fireproof throughout, being constructed with a face of Southern granite up to the floor line, and with Southern marble above that line.

The Bissell & Sinker plan shows a Doric building, sixty-nine feet front, 165 feet deep and fifty feet high. A broad flight of steps leads to the front portico, whose roof is supported by massive columns. Mural decorations appear on the outside. A flat roof will afford a walking space for visitors.

While the structure, as of only one story, there will be no fewer than sixteen galleries, each devoted to special collections from a Southern State. These are grouped around one general hall, forming the main place of exhibit.

The building is estimated to cost